

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

☆ **MAY 12 2017** ☆

----- X

BROOKLYN OFFICE

FUMIN HE, ANNI YIN, GUOCAI SHI,  
MEIYING BAI, HONGCHUN MI, FENSUI  
ZHENG, YUNZHONG LAN, FENGMING  
ZHENG, AND JINGKANG LI,

Plaintiffs,

- against -

AMERICAN INTRO, INC., YIDI WANG, YANG  
QIU, AND LIN HOU

Defendants.

----- X

**MEMORANDUM & ORDER**

17 Civ. 2512 (AMD) (SMG)

ANN DONNELLY, District Judge.

On December 1, 2016 the plaintiffs, all citizens of China, filed an action in the Supreme Court of the State of New York, Queens County, alleging injuries from a motor vehicle accident. (ECF 1.) On April 27, 2017, two of the defendants, Lin Han and Yidi Wang, removed the action to federal court on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. (*Id.*) According to the complaint, two of the defendants, Wang and Americhina Intro, Inc., are citizens of New York. (*Id.*)

“A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b)(2). In a letter to the Court dated May 12, 2012, the defendants admit that Americhina Intro, Inc. is a

New York corporation. (ECF 6.) The defendants also admit that removal was improper and consent to remand of the action back to state court. (*Id.*)

### **CONCLUSION**

Accordingly, I find that this Court does not have subject matter jurisdiction over this case and remand to state court.

**SO ORDERED.**

s/Ann M. Donnelly

---

Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
May 12, 2017